

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY HOJNOWSKI,	:	Civil Action No. 13-5618
Plaintiff,	:	
v.	:	
	:	
BERKS COUNTY, et al.,	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 23rd day of February 2016, upon consideration of the pending Motions for Summary Judgment in this case and all responses and replies thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. The Spring Township Defendants' Motion for Summary Judgment [Doc. No. 61] is **GRANTED** as to Plaintiff's excessive force claims; **GRANTED** as to Plaintiff's failure to intervene claim; **GRANTED** as to Plaintiff's deliberate indifference to a serious medical need as asserted against the Township; and **GRANTED** as to Plaintiff's state law claims for assault, battery, and negligence; the Motion is **DENIED** as to the claims for deliberate indifference to a serious medical need asserted against Officer Getz;

2. The Berk County Defendants' Motion for Summary Judgment [Doc. No. 62] is **DENIED** as to the *Monell* claim against the County and Sheriff Weaknecht for deliberate indifference to a serious medical need (Count III), but **GRANTED** as unopposed with regard to Plaintiff's request for punitive damages.

As this case has now reached a stage where the parties must prepare for trial on the remaining claims, it is further **ORDERED** that Plaintiff shall advise the Court, within **21 days** of the date of this **ORDER**, whether he would like his case to be referred for possible appointment

of counsel from the Prisoner's Civil Rights Panel for the Eastern District of Pennsylvania.¹

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ Plaintiff should be aware that such a referral will not guarantee appointment of an attorney to represent him, nor does it confer on him a right to counsel in this civil matter. The attorneys on the panel exercise their discretion in determining whether to represent plaintiffs in civil rights actions.